


Section 6: Continuing Effect. Except as modified in this Supplement, all terms and provisions of the Agreement shall remain in full force and effect without modification. The terms of this Supplement shall control over any conflicts between the terms of the Agreement and this Supplement.

Section 7: Counterparts. This First Amendment may be executed in one or more original or facsimile counterparts, each of which shall be deemed an original and all of which together shall constitute but one and the same document.

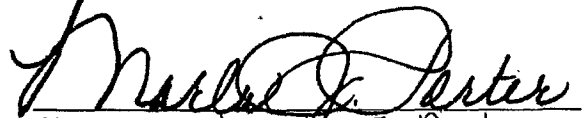
[SIGNATURES COMMENCE OF THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the undersigned parties hereto have executed this Supplement as of the 8th day of November, 2012.

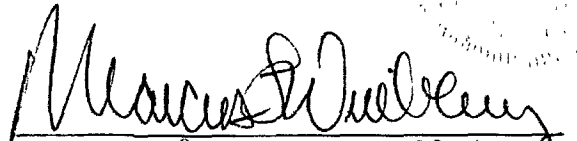
CITY OF CONROE, TEXAS


Mayor Webb K. Melder


ATTEST/SEAL:


City Secretary Mark S. Porter

APPROVED AS TO FROM:


City Attorney Marcus L. Winberry

MONTGOMERY COUNTY MUNICIPAL
UTILITY DISTRICT NO. 126

By: 
Gary Calfee, President
Board of Directors

296868_2

Exhibit A

CERTIFICATE FOR ORDINANCE

I.

On the 22 day of May, 2008, the City Council of the City of Conroe, Texas, consisting of the following qualified members, to-wit: Webb K. Melder, Mayor; Council Members Jerry Streater, Pat George and Toby Powell, did convene in public session in the Council Chambers of the City Hall at 300 West Davis in Conroe, Texas. The roll being first called, a quorum was established, all members being present except the following, to wit: Jay Ross Martin and Jim Gentry. The Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

II.

WHEREUPON, AMONG OTHER BUSINESS transacted, the Council considered adoption of the following written Ordinance, to-wit:

ORDINANCE NO. 1847-08


AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS, EXTENDING THE BOUNDARIES OF THE CITY OF CONROE, TEXAS, BY ANNEXATION OF CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY; APPROVING A SERVICE PLAN FOR SUCH TERRITORY; MAKING FINDINGS INCIDENT TO SUCH ANNEXATION; PROVIDING FOR EFFECTIVE DATE AND ORDAINING OTHER RELATED MATTERS.

III.

Upon motion of Council Member Streater seconded by Council Member Powell all members present voted for adoption of the Ordinance, except the following: N/A. A majority of those Council Members present having voted for adoption, the presiding officer declared the Ordinance passed and adopted.

A true, full and correct copy of the Ordinance adopted at the Meeting is attached to and follows this Certificate.

SIGNED AND SEALED this 22 day of May, 2008.


Soco M. Gorjon, Assistant City Secretary

ORDINANCE NO. 1847-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS, EXTENDING THE BOUNDARIES OF THE CITY OF CONROE, TEXAS, BY ANNEXATION OF CERTAIN HEREINAFTER DESCRIBED ADJACENT AND CONTIGUOUS TERRITORY; APPROVING A SERVICE PLAN FOR SUCH TERRITORY; MAKING FINDINGS INCIDENT TO SUCH ANNEXATION; PROVIDING FOR EFFECTIVE DATE AND ORDAINING OTHER RELATED MATTERS.

* * * * *

WHEREAS, the territory described in Exhibit A to this ordinance is adjacent and contiguous to the existing boundaries of the City of Conroe, Texas and is wholly located within the extraterritorial jurisdiction of the City; and

WHEREAS, the owners of the real property have petitioned and requested its annexation to the City; and

WHEREAS, prior to the institution of annexation proceedings the City Council did conduct two separate public hearings on the proposed annexation of the territory described in Exhibit A, the first such public hearing having occurred on April 23, 2008, and the second on April 24, 2008, both such public hearing dates being within the period on or after the 40th day but before the 20th day prior to the institution of annexation proceedings; and

WHEREAS, notice of the public hearings was published in the Courier, a newspaper of general circulation within the City of Conroe, Montgomery County, Texas, on April 6, 2008; and

WHEREAS, notice of the public hearings was posted on the City of Conroe website on April 6, 2008 and remained continually posted on such website through April 24, 2008; and

WHEREAS, a proposed annexation service plan for the territory was prepared and filed with the City Secretary prior to the publication of the notice of public hearings and has since remained continuously on file with the City Secretary and has been available for public inspection during regular business hours at all times following the publication of the notice of public hearings; and

WHEREAS, annexation of the territory described in Exhibit A is authorized by Sec. 1.04 of the Home Rule Charter of the City of Conroe:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS:

Section 1. That the recitals set forth in the preamble to this ordinance are hereby adopted as findings of the City Council.

Section 2. That the territory more particularly described in Exhibit A attached hereto, which description is incorporated herein by reference, is hereby annexed to the City of Conroe, Texas and the boundaries of the municipality are hereby extended to incorporate such territory within the City for general municipal purposes.

Section 3. The service plan for such territory attached hereto as Exhibit B and incorporated herein by reference is hereby approved. Full municipal services shall be provided in the annexed territory in conformity with such service plan.


Section 4. The annexed territory is included within Montgomery County Emergency Services District No. 1. The City Council finds that it is in the public interest to require that the territory be disannexed and removed from the territory of the Emergency Services District and orders the disannexation of the territory from the District on or before December 31, 2008.

Section 5. This ordinance shall not repeal, impair, modify, or in anywise affect any other ordinance annexing territory to the City of Conroe, whether finally passed or otherwise. The procedure initiated hereby and the annexation proceedings instituted hereunder shall be independent of any other proposed and pending annexation of such territory, and such other proceedings shall not be affected hereby.

Section 6. Should any section or part of this ordinance be held unconstitutional, illegal, or invalid, or the application thereof ineffective or inapplicable as to any territory, such illegality, unconstitutionality, invalidity, or ineffectiveness of such section or part shall in no wise affect, impair, or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect; and should this ordinance for any reason be ineffective as to any part of the area hereby annexed to the City of Conroe, such ineffectiveness of this ordinance as to any such part or parts of any such area shall not affect the effectiveness of this ordinance as to all of the remainder of such area, and the City Council hereby declares it to be its purpose to annex to the City of Conroe every part of the areas described in Exhibit "A", of this ordinance, regardless of whether any other part of such described area is hereby effectively annexed to the City. Provided, further, that if there is included in the description of territory set out in Exhibit "A", of this ordinance to be hereby annexed to the City of Conroe any lands or area which are presently part of and included in the limits of any other city, town, or village, or which are not within the jurisdiction or power of the City of Conroe to annex, the same is hereby excluded and excepted from the territory to be hereby annexed as fully as if such excluded and excepted areas were expressly described herein.


Section 7. This ordinance shall be effective immediately upon adoption.

PASSED AND APPROVED this the 22 day of May, 2007.


WEBB K. MELDER, Mayor

APPROVED AS TO FORM:

ATTEST:


MARCUS L. WINBERRY, City Attorney

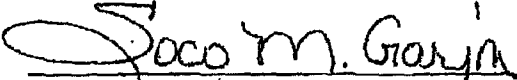

Soco M. Gorjon, Assistant City Secretary

EXHIBIT A

Metes & Bounds Description
Annexation Tract 2008-01

BEING 296.51 ACRES OF LAND LOCATED IN THE A-7 ELIJAH COLLARD SURVEY, AND THE A-190 JAMES EDWARD SURVEY IN MONTGOMERY COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a 5/8-Inch Iron rod for corner on the north line of Longmire Way (60-foot right-of-way) recorded under Montgomery County Clerk's File No. 9536930 of the Official Public Records of Real Property, being the southeast corner of Reserva "C" of the Replat of Longmire on Lake Conroe Sections 1 and 2, plat of which is recorded in Cabinet J, Sheets 161 thru 163 of the Montgomery County Map Records;

(1) (1, E.H.R.&A. INC.) THENCE: N 12°45'59" E (Call North 12°45'59" East, 1255.98 feet), along the east line of said Replat of Longmire on Lake Conroe Sections 1 and 2, at 912.84 feet passing the northeast corner of said Replat of Longmire on Lake Conroe Sections 1 and 2 and the southeast corner of Longmire on Lake Conroe Section 3, plat of which is recorded in Cabinet I, Sheets 59 thru 65 of the Montgomery County map Records, and continuing in all 1255.98 feet to a 5/8-Inch iron rod for the northeast corner of said Longmire on Lake Conroe Section 3;

(2) (2, E.H.R.&A. INC.) THENCE: N 77°12'16" W (Call North 77°12'16" West, 1616.63 feet), along the north line of said Longmire on Lake Conroe Section 3, to a 5/8-Inch Iron rod with cap stamped "E.H.R.&A. 713-784-4500" being an interior corner of said Longmire on Lake Conroe Section 3;

(3) (3, E.H.R.&A. INC.) THENCE: N 11°56'28" E (Call North 11°56'28" East, 565.74 feet), 565.74 feet along an interior line of said Longmire on Lake Conroe Section 3, to a 5/8-Inch Iron rod for the northeast corner of Reserve "D" of said Longmire on lake Conroe Section 3, also being on the 201-foot contour line;

THENCE: along the 201-foot contour line, the following fifty (50) courses and distances;

(4) (4, E.H.R.&A. INC.) THENCE: S 87°23'59" E (Call South 87°23'59" East, 33.75 feet), at 33.75 feet to a point;

(5) (5, E.H.R.&A. INC.) THENCE: N 60°22'00" E (Call North 60°22'00" East, 14.06 feet), at 14.06 feet to a point;

(6) (6, E.H.R.&A. INC.) THENCE: S 88°53'51" E (Call South 88°53'51" East, 14.40 feet), at 14.40 feet to a point;



-
- (7) (7, E.H.R.&A. INC.) THENCE: S 44°41'08" E (Call South 44°41'08" East, 14.73 feet), at 14.73 feet to a point;
- (8) (8, E.H.R.&A. INC.) THENCE: S 25°42'16" E (Call South 25°42'16" East, 23.63 feet), at 23.63 feet to a point;
- (9) (9, E.H.R.&A. INC.) THENCE: S 21°31'26" E (Call South 21°31'26" East, 48.80 feet), at 48.80 feet to a point;
- (10) (10, E.H.R.&A. INC.) THENCE: S 24°18'55" E (Call South 24°18'55" East, 36.65 feet), at 36.65 feet to a point;
- (11) (11, E.H.R.&A. INC.) THENCE: S 23°02'23" E (Call South 23°02'23" East, 43.48 feet), at 43.48 feet to a point;
- (12) (12, E.H.R.&A. INC.) THENCE: S 32°41'37" E (Call South 32°41'37" East, 41.56 feet), at 41.56 feet to a point;
- (13) (13, E.H.R.&A. INC.) THENCE: S 39°04'34" E (Call South 39°04'34" East, 23.02 feet), at 23.02 feet to a point;
- (14) (14, E.H.R.&A. INC.) THENCE: S 43°05'41" E (Call South 43°05'41" East, 23.55 feet), at 23.55 feet to a point;
- (15) (15, E.H.R.&A. INC.) THENCE: S 89°57'44" E (Call South 89°57'44" East, 22.50 feet), at 22.50 feet to a point;
- (16) (16, E.H.R.&A. INC.) THENCE: N 62°41'04" E (Call North 62°41'04" East, 21.03 feet), at 21.03 feet to a point;
- (17) (17, E.H.R.&A. INC.) THENCE: N 32°09'28" E (Call North 32°09'28" East, 44.39 feet), at 44.39 feet to a point;
- (18) (18, E.H.R.&A. INC.) THENCE: N 10°10'15" W (Call North 10°10'15" West, 36.41 feet), at 36.41 feet to a point;
- (19) (19, E.H.R.&A. INC.) THENCE: N 09°26'25" W (Call North 09°26'25" West, 45.54 feet), at 45.54 feet to a point;
- (20) (20, E.H.R.&A. INC.) THENCE: N 15°23'27" E (Call North 15°23'27" East, 43.59 feet), at 43.59 feet to a point;

- (21) (21, E.H.R.&A. INC.) THENCE: N 11°14'01" E (Call North 11°14'01" East, 48.40 feet), at 48.40 feet to a point;
- (22) (22, E.H.R.&A. INC.) THENCE: N 13°00'46" E (Call North 13°00'46" East, 21.26 feet), at 21.26 feet to a point;
- (23) (23, E.H.R.&A. INC.) THENCE: N 10°49'35" E (Call North 10°49'35" East, 30.79 feet), at 30.79 feet to a point;
- (24) (24, E.H.R.&A. INC.) THENCE: N 32°19'05" E (Call North 32°19'05" East, 12.24 feet), at 12.24 feet to a point;
- (25) (25, E.H.R.&A. INC.) THENCE: N 58°33'18" E (Call North 58°33'18" East, 11.79 feet), at 11.79 feet to a point;
- (26) (26, E.H.R.&A. INC.) THENCE: S 80°41'18" E (Call South 80°41'18" East, 26.94 feet), at 26.94 feet to a point;
- (27) (27, E.H.R.&A. INC.) THENCE: S 63°13'35" E (Call South 63°13'35" East, 31.75 feet), at 31.75 feet to a point;
- (28) (28, E.H.R.&A. INC.) THENCE: S 56°59'25" E (Call South 56°59'25" East, 57.54 feet), at 57.54 feet to a point;
- (29) (29, E.H.R.&A. INC.) THENCE: S 59°37'32" E (Call South 59°37'32" East, 54.26 feet), at 54.26 feet to a point;
- (30) (30, E.H.R.&A. INC.) THENCE: S 59°24'03" E (Call South 59°24'03" East, 33.57 feet), at 33.57 feet to a point;
- (31) (31, E.H.R.&A. INC.) THENCE: S 57°44'53" E (Call South 57°44'53" East, 37.89 feet), at 37.89 feet to a point;
- (32) (32, E.H.R.&A. INC.) THENCE: S 58°14'18" E (Call South 58°14'18" East, 35.57 feet), at 35.57 feet to a point;
- (33) (33, E.H.R.&A. INC.) THENCE: S 59°55'00" E (Call South 59°55'00" East, 46.09 feet), at 46.09 feet to a point;
- (34) (34, E.H.R.&A. INC.) THENCE: S 50°39'40" E (Call South 50°39'40" East, 31.93 feet), at 31.93 feet to a point;

- (35) (35, E.H.R.&A. INC.) THENCE: S 81°19'12" E (Call South 81°19'12" East, 21.88 feet), at 21.88 feet to a point;
- (36) (36, E.H.R.&A. INC.) THENCE: N 34°51'06" E (Call North 34°51'06" East, 20.55 feet), at 20.55 feet to a point;
- (37) (37, E.H.R.&A. INC.) THENCE: N 15°39'43" E (Call North 15°39'43" East, 23.19 feet), at 23.19 feet to a point;
- (38) (38, E.H.R.&A. INC.) THENCE: N 27°35'55" W (Call North 27°35'55" West, 25.09 feet), at 25.09 feet to a point;
- (39) (39, E.H.R.&A. INC.) THENCE: N 45°59'51" W (Call North 45°59'51" West, 31.29 feet), at 31.29 feet to a point;
- (40) (40, E.H.R.&A. INC.) THENCE: N 38°24'53" W (Call North 38°24'53" West, 41.42 feet), at 41.42 feet to a point;
- (41) (41, E.H.R.&A. INC.) THENCE: N 48°11'04" W (Call North 48°11'04" West, 42.03 feet), at 42.03 feet to a point;
- (42) (42, E.H.R.&A. INC.) THENCE: N 52°44'02" W (Call North 52°44'02" West, 37.78 feet), at 37.78 feet to a point;
- (43) (43, E.H.R.&A. INC.) THENCE: N 47°31'18" W (Call North 47°31'18" West, 36.54 feet), at 36.54 feet to a point;
- (44) (44, E.H.R.&A. INC.) THENCE: N 51°00'12" W (Call North 51°00'12" West, 68.46 feet), at 68.46 feet to a point;
- (45) (45, E.H.R.&A. INC.) THENCE: N 54°27'30" W (Call North 54°27'30" West, 53.57 feet), at 53.57 feet to a point;
- (46) (46, E.H.R.&A. INC.) THENCE: N 50°14'59" W (Call North 50°14'59" West, 43.08 feet), at 43.08 feet to a point;
- (47) (47, E.H.R.&A. INC.) THENCE: N 50°50'55" W (Call North 50°50'55" West, 63.18 feet), at 63.18 feet to a point;
- (48) (48, E.H.R.&A. INC.) THENCE: N 45°44'33" W (Call North 45°44'33" West, 53.82 feet), at 53.82 feet to a point;

- (49) (49, E.H.R.&A. INC.) THENCE: N 17°44'30" W (Call North 17°44'30" West, 55.91 feet), at 55.91 feet to a point;
- (50) (50, E.H.R.&A. INC.) THENCE: N 04°00'03" W (Call North 04°00'03" West, 43.57 feet), at 43.57 feet to a point;
- (51) (51, E.H.R.&A. INC.) THENCE: N 16°15'40" W (Call North 16°15'40" West, 51.84 feet), at 51.84 feet to a point;
- (52) (52, E.H.R.&A. INC.) THENCE: N 15°27'23" W (Call North 15°27'23" West, 69.20 feet), at 69.20 feet to a point;
- (53) (53, E.H.R.&A. INC.) THENCE: N 09°53'22" E (Call North 09°53'22" East, 38.80 feet), at 38.80 feet to a point on the south line of Pebble Glen on the Lake, plat of which is recorded in Cabinet N, Sheets 125 thru 128;
- (54) (54, E.H.R.&A. INC.) THENCE: S 81°28'22" E (Call South 81°28'22" East, 849.60 feet), at 10.00 feet passing a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" for reference, and continuing in all 849.60 feet to a 5/8-inch iron rod for the southeast corner of said Pebble Glen on the Lake;
- (55) (55, E.H.R.&A. INC.) THENCE: N 11°49'44" E (Call North 11°49'44" East, 1012.69 feet); along the east line of said Pebble Glen on the Lake, at 1001.57 feet passing a 5/8-inch iron rod found for the northeast corner of said Pebble Glen on the Lake, and continuing in all 1012.69 feet to a point on the 201-foot contour line;
- (56) (C.O.C.) THENCE: N 14°40'50" ^EW, at approximately 115.91 feet, to a point for corner along the east line of Calfee Road (60-foot wide right-of-way) recorded in Volume 632, Page 291 and Volume 640, Page 139, both of Montgomery County Deed Records, also being along the 201-foot contour line;
- (57) (77, E.H.R.&A. INC.) THENCE: N 11°11'40" E (Call North 11°11'40" East, 229.43 feet), at 229.43 feet along the east line of said Calfee Road to a 3/4-inch iron rod, being the southwest corner of the aforementioned 23.419-acre tract;
- THENCE: In a northerly direction along the common line of said Calfee Road and Said 23.419-acre tract, the following three (3) courses and distances;
- (58) (78, E.H.R.&A. INC.) THENCE: N 21°10'19" E (Call North 21°10'19" East, 89.90 feet), at 89.90 feet to a PK Nail;
- (59) (79, E.H.R.&A. INC.) THENCE: N 51°27'01" E (Call North 51°27'01" East, 105.82 feet), at 105.82 feet to a 5/8-inch iron rod;

- (60) (80, E.H.R.&A. INC.) THENCE N 12°47'09" E (Call North 12°47'09" East, 328.16 feet), at 328.16 feet to a point on the southwest corner of League Line Road (60-foot right-of-way) recorded in Volume 825, Page 102 and Volume 1049, Page 571, both of the Montgomery County Deed Records from which a 1/2 -inch iron rod with cap stamped "Jeff Moon RPLS4539" for the most westerly northwest corner of said 23.939-acre tract recorded under Montgomery County Clerk's File No. 2005084850 of the Official Public Records of Real Property bears N 12°47'09" E, 133.02 feet;
- (61) (81, E.H.R.&A. INC.) THENCE S 76°39'07" E (Call South 76°39'07" East, 1082.79 feet), at 98.85 feet passing a PK Nail for the corner of said 23.939-acre tract, and continuing in all 1082.79 feet, along the south line of said League Line Road same as said 23.419-acre tract, to a 5/8-inch iron rod;
- (62) (82, E.H.R.&A. INC.) THENCE S 77°19'32" E (Call South 77°19'32" East, 980.27 feet), at 980.27 feet, continuing along the north line of said 23.419-acre tract same as south line of League Line Road, to a 5/8-inch iron rod, being the northeast corner of said 23.419-acre tract and on the west line of the remainder of a called 90.033-acre tract (Tract 3) recorded under Montgomery County Clerk's File No. 9509572 of the Official Public Records of Real Property;
- (63) (83, E.H.R.&A. INC.) THENCE S 12°09'43" W (Call South 12°09'43" West, 485.18 feet), along the common line of said remainder tract and said 23.419-acre, at 484.50 feet passing a 5/8-inch iron rod and continuing in all 485.18 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" for the south line of said remainder tract, also being on the north line of a called 121.838-acre tract recorded in Volume 458, Page 131 of the Montgomery County Deed Records and the north line of aforementioned 23.43-acre tract;
- (64) (84, E.H.R.&A. INC.) THENCE S 77°02'20" E (Call South 77°02'20" East, 2149.46 feet), at 2149.46 feet along the common line of said remainder tract, said 121.838-acre tract and said 23.43-acre tract, to an iron strap for the east line of Longmire Road, being the northeast corner of said 121.838-acre tract and said 23.43-acre tract and the northwest corner of a called 99.75-acre tract recorded under Montgomery County Clerk's File No. 9891554 of the Official Public Records of Real Property, also being a point along the northern line and a corner for the existing City Limits of Conroe as established by City of Conroe Ordinance No. 1669-04, having a Texas State plane Coordinate value of Northing (y)=10,133,034.365, Easting (x)=3,810,788.489 as measured by GPS;
- (65) (85, E.H.R.&A. INC.) THENCE S 12°12'48" W (Call South 12°12'48" West, 1791.25 feet), along the common line of said existing City limits of Conroe, said 121.838-acre tract, said 23.43-acre tract, said Longmire Road, said 99.75-acre tract, aforementioned 33.861-acre tract, and aforementioned 37.564 acre tract, at 428.83 feet passing a 1/2 inch iron rod marking the common east corner said 23.43-acre tract, and said 33.861-acre tract, at 1074.23 feet passing a 1/2 iron rod marking the common east corner of said 33.861-acre tract and said 37.564-acre tract, at 1118.58 feet passing a corner of said City Limits of Conroe, and continuing in all 1791.25 feet to a PK Nail marking the southeast corner of said 37.564-acre tract and the northeast corner of a called 26.5516-acre tract

recorded under Montgomery County Clerk's File No. 2004020900 of the Official Public Records of Real Property;

- (66) (86, E.H.R.&A. INC.) THENCE: N 77°53'49" W (Call North 77°53'49" West, 2280.36 feet), at a distance of 2280.36 feet, along the common line of said 37.564-acre tract and said 26.5516-acre tract, to a 1/2-inch iron rod marking the common west corner of said 37.564-acre tract and said 26.5516-acre tract, being on the east line of aforementioned 321.470-acre tract;
- (67) (87, E.H.R.&A. INC.) THENCE: S 11°58'58" W (Call South 11°58'58" West, 507.48 feet), at a distance of 507.48 feet along the common line of said 26.5516-acre tract and said 321.470-acre tract, to a 3/4-inch iron pipe found for the southwest corner of said 26.5516-acre tract and the northwest corner of a 74.7657-acre subdivision known as The Estates of Longmire on Lake Conroe, plat of which is recorded in Cabinet H, Sheets 92B, 93A, 93B and 94A of Montgomery County Map Records;
- (68) (88, E.H.R.&A. INC.) THENCE: S 11°12'47" W (Call South 11°12'47" West, 1416.70 feet), at a distance of 1416.70 feet, along the common line of said 321.470-acre tract and said The Estates of Longmire on Lake Conroe, to a fence corner on the north line of the aforementioned Longmire Way, being the northeast corner of a 1.908-acre tract, recorded under Montgomery County Clerk's File No. 9536930, also being on the arc of a non-tangent curve to the right;
- (69) (A.E.S.C.) THENCE: S 11°12'47" W (Call N 14°43'21" E, 60.01 feet), at a distance of 60.01 feet, to a point being the southeast corner of said 1.908-acre tract, being on the arc of a non-tangent curve to the right from which a point for the southwest corner of said 74.7657-acre subdivision known as The Estate of Longmire on Lake Conroe, bears S 11°12'47" W (Call N 14°43'21" E, 9.99 feet) 9.99 feet.
- (70) (A.E.S.C.) THENCE: Along the arc of said non tangent curve to the right having a radius of 2050.56 feet, a central angle of 5°40'17", an arc length of 202.98 feet, and a chord bearing of N 74°37'39" W (Call chord bearing of S 71°04'37" E, 203.44 feet), at 202.89 feet to a point for corner, also being at a point of reverse curvature;
- (71) (A.E.S.C.) THENCE: Along the arc of said reverse curve to the left having a radius of 764.29 feet, a central angle of 14°21'05", an arc length of 191.44 feet, and a chord bearing of N 78°55'01" W (Call chord bearing of S 75°24'37" E, 190.94 feet), at 190.94 feet to a point for corner and beginning a point of reverse curvature;
- (72) (A.E.S.C.) THENCE: Along the arc of said curve to the left having a radius of 1559.91 feet, a central angle of 7°28'46", an arc length of 203.63 feet, and a chord bearing of N 82°21'11" W (Call chord bearing of S 78°50'47" E, 203.49 feet), at 203.49 feet to a point for corner;
- (73) (A.E.S.C.) THENCE: N 78°36'48" W (Call S 75°06'24" E, 386.86 feet), at a distance of 386.86 feet to a point for corner and beginning a curve to the left;

(74) (A.E.S.C.) THENCE: Along the arc of said curve to the left having a radius of 2651.89 feet, a central angle of $4^{\circ}16'15''$, an arc length of 197.68 feet, and a chord bearing of $N 80^{\circ}44'56'' W$ (Call chord bearing of $S 77^{\circ}14'32'' E$, 197.63 feet), at 197.63 feet to a point for corner, also being a point of reverse curvature;

(75) (A.E.S.C.) THENCE: Along the arc of said curve to the right having a radius of 2057.82 feet, a central angle of $05^{\circ}38'46''$, an arc length of 202.78 feet, and a chord bearing of $N 80^{\circ}03'40'' W$ (Call chord bearing of $S 76^{\circ}33'16'' E$, 202.70 feet), at 202.70 feet to a point for corner, being the southwest corner of said 1.908-acre tract, also being a point for corner of a 43.537-acre subdivision know as White Oak Ranch, Section One, plat of which is recorded in File # 2001-060905, Cabinet Q, Sheets 75-76 of Montgomery County Map Records;

(76) (A.E.S.C.) THENCE: $N 12^{\circ}43'59'' E$ (Call $S 16^{\circ}14'23'' W$, 60.00 feet), crossing Longmlre Way at a distance of 60.00 feet to a point being the northwest corner of said 1.908-acre tract and beginning a curve to the left and being the southwest corner of said 53.2175 acre tract; being a POINT of BEGINNING of the herein described acreage, in all containing 296.51 acres of land, more or less;

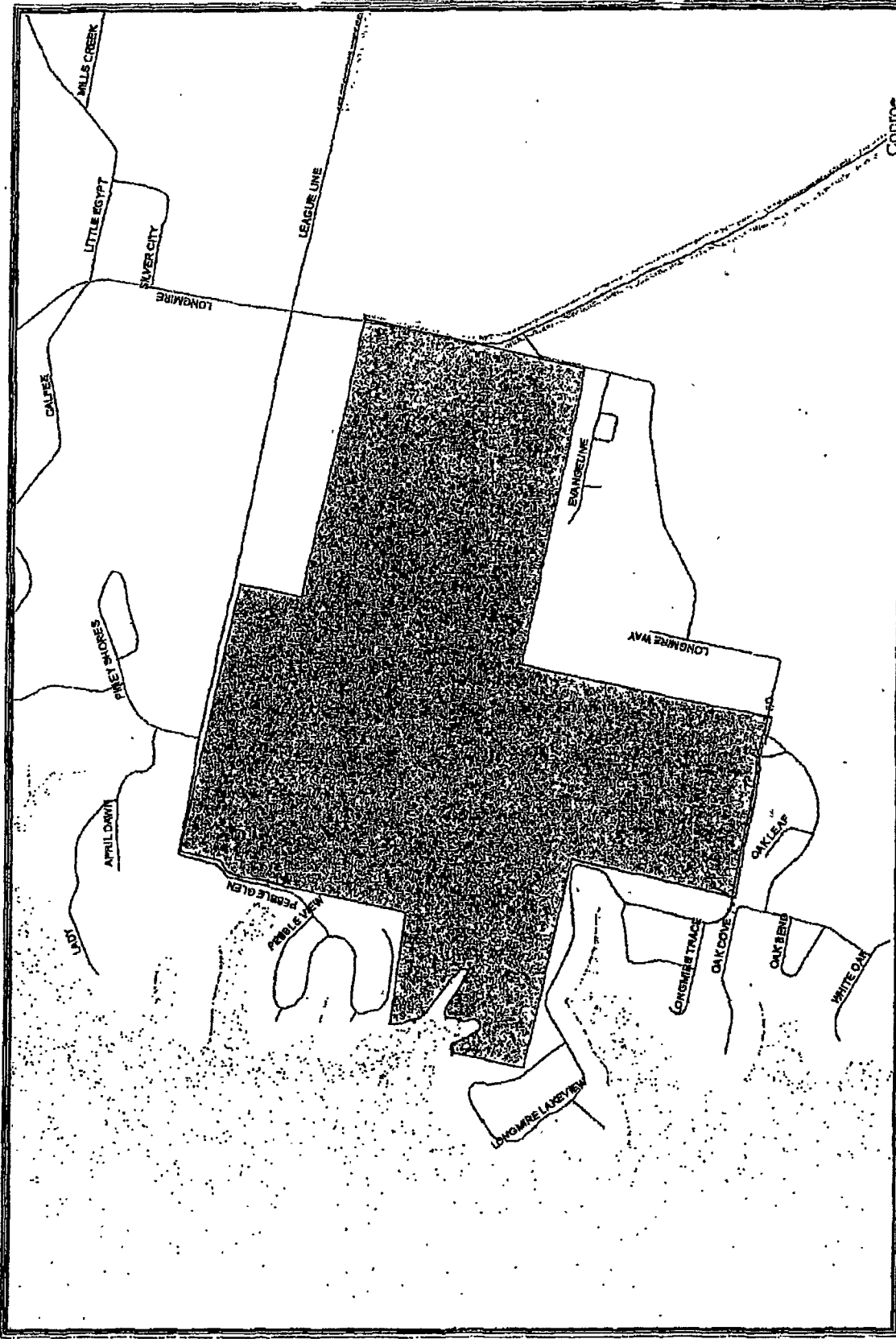
Compiled By:

Community Development, Engineering Division

Project No. 2008-013-AnnexationStudy-HendricksTract (rev20070420)

April 20, 2008

THE FOLLOWING LEGAL DESCRIPTION IS ISSUED FOR THE PURPOSE OF ATTACHMENT TO ANNEXATION DOCUMENTS. IT SHOULD NOT BE USED FOR TITLE TRANSFER. THE DATUM FOR ALL BEARINGS GIVEN IS NAD_1983_STATEPLANE_TEXAS_CENTRAL_FIPS_4203. ALL DISTANCES ARE GIVEN IN U.S. SURVEY FEET. ALL "CALLED" BEARINGS SHOWN ARE AS FOUND FROM RECORDED DEEDS OR ANNEXATION ORDINANCES. NO REPRESENTATION OF AN "ON THE GROUND" SURVEY IS MADE. THIS INSTRUMENT INCLUDES LANDS THAT ARE SUBJECT TO CONSENT OF ANNEXATION BECAUSE OF HOLDING TAX EXEMPTIONS FOR AGRICULTURAL, TIMBER AND WILDLIFE MANAGEMENT USES. SUCH CONSENT WAS OBTAINED UPON PETITION OF ANNEXATION BY LANDOWNER.



Community Development
 P.O. Box 2660
 Coon Rapids, MN 55433
 Phone: (763) 772-3300 Fax: (763) 853-3762
 www.ci.coonrapids.mn.us
 City Manager
 The system and parts are the property of
 Coon Rapids and are not to be sold or
 transferred without the approval of the
 City Council.



EXHIBIT A
PROPOSED ANNEXATION PARCEL 2008-01
296.51 AC.

Legend
 Street
 Railroad
 City Limits Annexation Parcel
 ETJ 2008-01

1,000
 2008F04

EXHIBIT B

City of Conroe Annexation Service Plan For Annexation Parcel 2008-01

I. TERRITORY

This service plan is applicable to 296.51 acres of land, more or less, out of the James Edwards Survey, A-190, and Elijah Collard Survey, A-2, in Montgomery County, Texas. The territory is located in the general vicinity of the southwest corner of the intersection of League Line Road and Longmire Road. A map of the area is attached hereto and incorporated herein by reference. The territory is presently undeveloped land.

II. GENERAL PROVISIONS

a. Effective Term. This service plan shall be in effect for a ten-year period commencing on the effective date of the annexation.

b. Amendment or Renewal. This service plan may be amended from time to time as provided by Local Government Code, Sec. 43.056(k). Renewal of the service plan shall be at the sole option of the City Council.

c. Intent. It is the intent of the City of Conroe that this service plan shall provide for the delivery of full municipal services to the annexed area in accordance with State law. The failure of this plan to describe any particular service shall not be deemed to be an attempt to omit the provision of such services from the annexed area. The delivery of municipal services may be accomplished through any means permitted by law.

d. Level of Services to be Provided. It is the intent of the City of Conroe to provide the level of services required by State law. The City Council finds and determines that the level of services, infrastructure and infrastructure maintenance provided within the area prior to annexation is not greater than is provided in the City. The City Council finds and determines that the services, infrastructure and infrastructure maintenance proposed by this plan are comparable to that provided to other parts of the City with topography, land use, and population density reasonably similar to the annexed area. The City Council finds and determines that implementation of this plan in the manner proposed will not reduce the level of fire, police, and emergency medical services available within the City.

III. SERVICES TO BE PROVIDED AT ANNEXATION

These services will be provided within the annexed area immediately upon the effective date of the annexation.

a. Police Protection. Police services include criminal investigations, routine patrol, traffic enforcement, and dispatched response to both emergency and non-emergency service calls.

No new patrol officers or patrol units are necessary as a result of this annexation and it is anticipated that police services within the annexed area will be provided utilizing existing levels of personnel and equipment.

b. Fire Protection. The Conroe Fire Department will provide emergency fire suppression and routine fire prevention services within the annexed area.

The Conroe Fire Department does not provide primary EMS services. The Montgomery County Hospital District currently provides EMS services throughout the County. Fire fighters may be dispatched to the scene of accidents or other medical emergencies to assist Hospital District EMS personnel or to provide "first responder" services pending the arrival of EMS personnel.

The Fire Department currently operates five fire stations that are located on North Loop 336, Foster Drive, Southwest Blvd, on Carter Moore Drive (FM 3083) and in the Woodlands Trade Center. Each station responds to service calls within a primary zone but may be called upon to provide support within other areas of the City as necessary. The annexed area will initially be incorporated in the zones served by Station No. 5 on Carter Moore Drive. The station(s) assigned to the annexed area may be altered from time to time in response to service demands, shifts or growth in population, future annexations or other relevant considerations.

Montgomery County Emergency Services District No. 1 currently provides fire protection services to the area. After the area is annexed to Conroe the City will require the ESD to remove the area from the territory of the ESD.

c. Solid Waste Collection. The City provides fee based household garbage collection services to single family residences. The City does not collect garbage from most commercial establishments. Commercial garbage collection and disposal is available from privately owned collection businesses within the City. Apartments and other multifamily buildings are considered commercial and must obtain collection services from private business. The City may, in its discretion, agree to provide service to small commercial establishments that generate waste collection demands similar to a single-family residence.

The City currently provides residential garbage collection for single-family residences at the street curb using a contract service provider. The current contract provider employs an automated collection system that requires use of a *specific collection container*. In accordance with the currently established policy each household will be provided, without charge, a collection container for waste disposal. Additional containers may be obtained for a fee.

Privately owned solid waste management service providers may continue to provide both residential and commercial services throughout the annexed area prior to the second anniversary of the effective date of annexation. Commencing upon such second anniversary such providers shall be prohibited from the further provision of residential services. Pending the expiration of such two year period the City shall not apply any fee for solid waste management services upon a person who continues to use the services of a privately owned solid waste management service provider.

d. Maintenance of Water and Wastewater Facilities. The territory is presently undeveloped land and there are no existing water or wastewater facilities. Portions of the territory are located within the service areas of Aqua Development, Inc., and C & R Water Supply Inc., both being retail public utilities with exclusive service rights to that portion of the territory covered by their respective certificates of convenience and necessity.

David B. Hendricks and Houston Intercontinental Trade Center, LTD, hereinafter referred to as "the Developers", own substantially all of the territory to be annexed. The Developers have petitioned the City to permit the creation of an in city municipal utility district preliminarily designated Montgomery County Municipal Utility District No. 126 which will include substantially all of the annexed territory.

The City and the Developers, acting on behalf of the proposed MUD 126, have entered into a Utility Services and Development Agreement dated March 13, 2008. Pursuant to this agreement the City will consent to the creation of MUD 126 and will extend City water and sewer facilities to designated points of connection at or near the boundaries of the district. For so long as the district continues to exist the City shall provide the district with an adequate water supply and wastewater treatment services in accordance with the Utility Services and Development Agreement.

MUD 126 will provide for the installation, operation and maintenance of all internal water and sewer utility facilities necessary to serve the annexed territory. The Developers, acting on behalf of the proposed MUD 126, have entered into an agreement with Aqua Development, Inc. to provide for the assignment of its certificate of convenience and necessity rights to MUD 126. Pursuant to this

agreement MUD 126 will contract with Aqua Operations, Inc. to operate the MUD 126 water and sewer utility systems.

The City has entered into a separate agreement with C & R Water Supply Inc., to acquire that retail utility's service rights within the boundaries of the annexed territory. Upon the acquisition of such service rights the City shall transfer the rights or take such other action as may be reasonable or necessary to authorize MUD 126 to serve the territory within its boundaries that is presently within the service territory of C & R Water Supply Inc.

e. Maintenance of Roads, Streets and Street Lighting. The City is not responsible for the maintenance of private streets or roads in the annexed area. The City will assume the responsibility for maintenance of public streets and roads previously accepted for maintenance by official action of the Commissioners Court of Montgomery County. Any such streets or road formerly maintained by Montgomery County that become subject to City maintenance will be maintained in a condition which is at least equal to the County maintenance standard; however, the City will not be required to reconstruct or upgrade such streets to a higher standard. The only County maintained roadway that has been identified within the annexed area is a portion of Longmire Way.

It is the responsibility of the developer to construct or provide those streets or roads necessary to serve the demands of new development in the area to be annexed. The City may accept the dedication of public streets constructed in accordance with applicable development regulations of the City and will thereafter be responsible for their maintenance.

f. Maintenance of Parks, Playgrounds and Swimming Pools. There are no public parks, playgrounds, or swimming pools within the area to be annexed. Private recreational facilities, open spaces and swimming pools are unaffected by the annexation.

g. Maintenance of any other Public Building, Facility or Service. Annexation does not transfer ownership of most public buildings, facilities or services, all of which should continue to be maintained or provided by the public entity that currently owns or provides them. Privately owned facilities, including privately owned and operated storm water detention facilities, are not effected by the annexation.

An appropriate City Department will be assigned to assume responsibility for the maintenance or provision of any facilities or services which become the responsibility of City and are not covered by this service plan.

IV. CAPITAL IMPROVEMENTS

Construction of these capital improvements will be substantially completed within 2½ years.

a. Police Protection. No additional capital improvements are needed at this time to provide police services.

b. Fire Protection. No capital improvements are needed at this time to provide fire protection services.

c. Solid Waste Collection. No capital improvements are needed at this time to provide solid waste collection services.

d. Water and Wastewater Facilities. The City will extend its water and sewer mains to the boundaries of the annexed area in accordance with the Utility Services and Development Agreement for MUD 126. The City shall have no obligation to construct or provide water or sewer facilities within the area to be annexed.

e. Roads, Streets and Streetlights. No new roads, streets or street lights are needed at this time. It will be the responsibility of the developer of the property to provide the roads and streets necessary to serve new development within the annexed area.

f. Parks, Playgrounds and Swimming Pools. No capital improvements are needed at this time to provide recreational services.

g. Other Public Buildings, Facilities or Services. No capital improvements are needed at this time to provide other public services.

V. WATER AND WASTEWATER SERVICE EXTENSION POLICIES

The City provides fee based water and wastewater services to the portions of the City which are not within an area served by another water or wastewater utility. Water and wastewater services are generally only provided to lots that have been properly subdivided or platted. The City may decline to provide service to any property that is not platted.

For lots that have water or wastewater lines in an abutting street or easement, the owner may receive water or wastewater service by applying for a City tap and paying any required fees.

The provision of water and wastewater facilities for new development within the City is primarily governed by the City's building code and subdivision ordinances that are found in Chapters 14 and 94 of the City Code of Ordinances. New development must be served by owner/developer provided public water and wastewater facilities that meet the City's standard requirements. Upon

construction and dedication by the owner/developer the City agrees to provide services via the facilities and thereafter to maintain them.

Facilities necessary to serve a new development are provided at the sole cost of the owner/developer. Such facilities include not only those which are located within the owner/developer's property, but also any exterior mains which must be extended to connect the property under development to the point of connection with the City's existing facilities. The City need not compensate the owner/developer for the ordinary costs of extending exterior mains. The owner/developer may be reimbursed for ordinary exterior main extension costs through the imposition of lot or acreage fees to be levied against other adjacent properties upon connection to the owner/developer constructed mains.

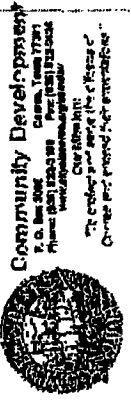
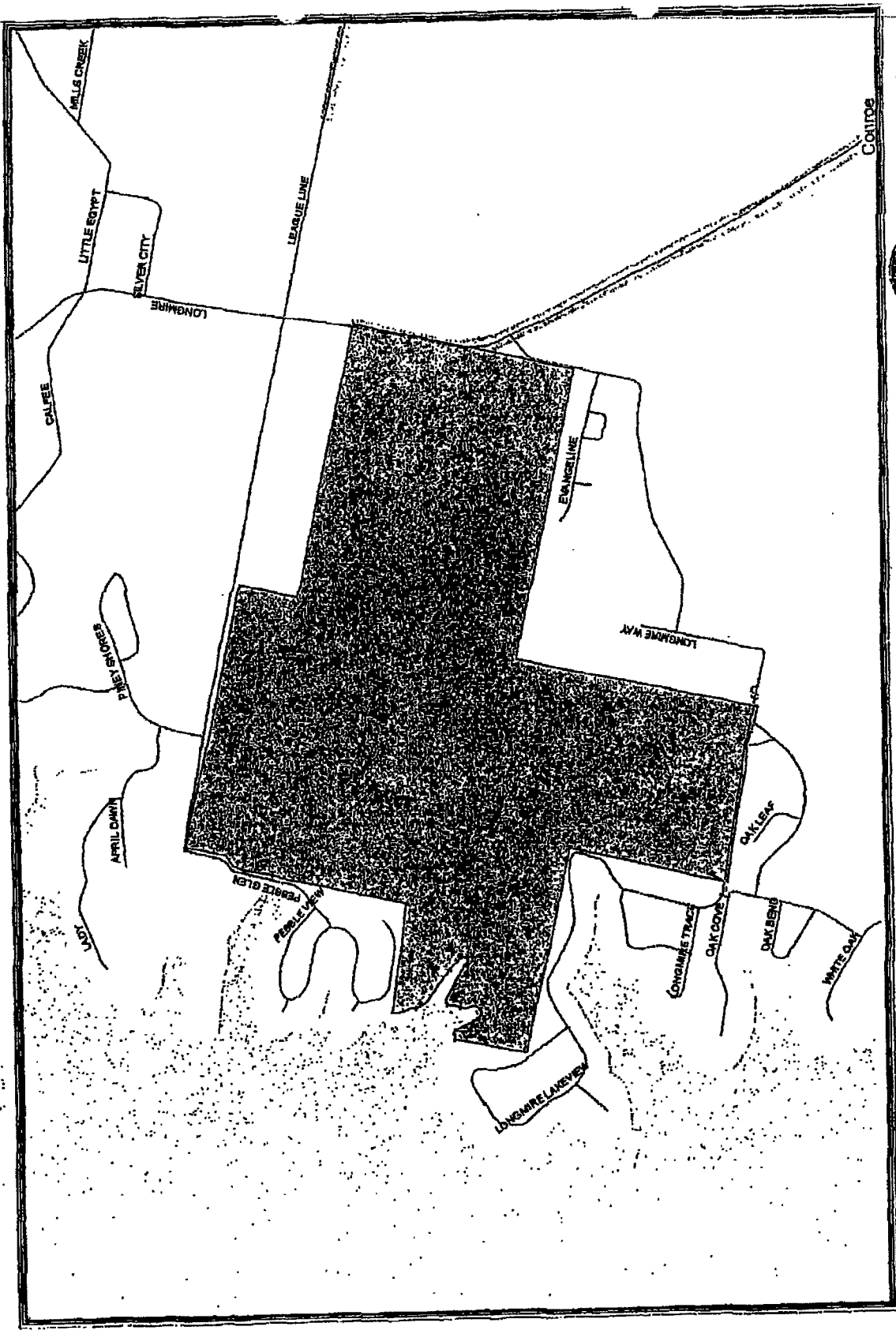
The City may require that the owner/developer provide oversized water or wastewater facilities. In such cases the City will pay the reasonable cost of such oversizing. Whether or not a particular line sizing constitutes "oversizing" is determined upon the basis of generally accepted sound engineering design practices.

In newly annexed areas the City examines the need for line extensions to serve existing development that does not currently receive water or waste water services. The City will determine the need for the construction of lines and facilities to serve existing development after giving due consideration to (1) the topography, (2) land use, (3) population density, (4) the adequacy of existing private water wells and septic tanks and (5) anticipated levels of demand. The City will not undertake line extensions to serve such existing development unless the new lines will be logical, reasonable and prudent extensions of the City's existing facilities.

From time to time, upon the request of an interested property owner the City will consider whether or not line extensions previously deemed unnecessary have become necessary as a result of changed conditions.

The City may recover the capital costs of extending water or wastewater facilities to serve existing development through the use of impact fees, assessments or any other method authorized by law.

Once sewer lines become available in an abutting street or easement the City may require that existing development connect to the City sewer system.



Community Development
 1100 S. Main Street
 Phone: (202) 520-2000 Fax: (202) 520-2000
 www.cityofatlanta.gov

Our Office Hours:
 Monday - Friday: 8:00 AM - 5:00 PM
 Closed on Saturdays and Sundays

EXHIBIT A PROPOSED ANNEXATION PARCEL 2008-01 296.51 AC.

1,000 Feet

Legend

- Streets
- City Limits Annexation Parcel
- Railroad

City Limits Annexation Parcel
 2008-01

CITY SECRETARY CERTIFICATION

STATE OF TEXAS §
§
COUNTY OF MONTGOMERY §

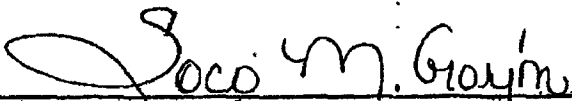
I, **SOCO M. GORJÓN**, being the duly qualified, appointed and acting Assistant City Secretary of the City of Conroe, Texas, do hereby certify that the pages hereto attached are a true and correct copy of the following described document which has been duly passed and approved by the Conroe City Council and recorded among the official documents of the City of Conroe, Texas, to wit:

ORDINANCE NO. 1848-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS, GIVING ITS CONSENT TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT (TO BE KNOWN AS MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 126).

Passed and Approved the 22ND day of May 2008.

SIGNED AND CERTIFIED the 22nd day of May 2008.



SOCO M. GORJÓN, ASSISTANT CITY SECRETARY
CITY OF CONROE, TEXAS

CERTIFICATE FOR ORDINANCE

I.

On the 22 day of May, 2008, the City Council of the City of Conroe, Texas consisting of the following qualified members, to-wit: **Webb Melder, Mayor; Council Members Pat George, Jerry Streater, and Toby Powell**, did convene in public session in the Council Chambers of the City Hall at 300 West Davis in Conroe, Texas. The roll being first called, a quorum was established, all members being present except the following, to wit: **Jay Ross Martin and Jim Gentry**. The Meeting was open to the public and public notice of the time, place and purpose of the Meeting was given, all as required by Chapter 551, Texas Government Code.

II.

WHEREUPON, AMONG OTHER BUSINESS transacted, the Council considered adoption of the following written Ordinance, to-wit:

ORDINANCE NO. 1848-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS, GIVING ITS CONSENT TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT.


III.

Upon motion of Council Member George, seconded by Council Member Streater, all members present voted for adoption of the Ordinance, except the following: No one voted against and no one abstained. A majority of those Council Members present having voted for adoption, the presiding officer declared the Ordinance passed and adopted.

IV.

A true, full and correct copy of the Ordinance adopted at the Meeting is attached to and follows this Certificate.

SIGNED AND SEALED this 22 day of May, 2008.


Soco M. Gorjon, Assistant City Secretary

ORDINANCE NO. 1848-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS, GIVING ITS CONSENT TO THE CREATION OF A MUNICIPAL UTILITY DISTRICT.

* * * * *

WHEREAS, by Petition dated March 13, 2008, a copy of which is attached hereto and incorporated herein by reference (the "Petition") David B. Hendricks and Houston Intercontinental Trade Center, L.P., have requested the consent of the City of Conroe (the "City") to the creation of a municipal utility district (to be known as Montgomery County Municipal Utility District No. 126) containing 293 acres, more or less, located within the corporate limits of the City, (the "Property") as more particularly described in Exhibit "A" to the attached Petition; and

WHEREAS, Section 54.016 of the Texas Water Code and Section 42.042 of the Local Government code provide that land within a City's corporate limits may not be included within a municipal utility district without the City's written consent;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONROE, TEXAS:

Section 1. This Ordinance when properly executed is the City's written consent to the creation of a municipal utility district ("MUD") to serve the Property. This consent is given and made expressly subject to those conditions set forth in Exhibit "B" of the Petition. No further action shall be required on the part of the City to indicate such consent. This Ordinance shall likewise indicate the consent of the City for the MUD to annex or exclude contiguous land into or out of the MUD; provided, however, the MUD may not annex any land outside the Property without prior written approval of the City. Notwithstanding the foregoing, the Mayor is authorized to execute and deliver any additional documentation evidencing such consent as may be requested or required by the MUD or any regulatory authority having jurisdiction over such MUD.

Section 2. The MUD is authorized to exercise all powers granted to municipal utility districts or which may be hereinafter granted under the Constitution and the laws of the State of Texas, including, but not limited to, the power to provide water, wastewater and drainage facilities, parks and recreational facilities and roads; and to issue bonds for all such purposes, provided however, the exercise of such powers shall be subject to the conditions set forth in the Utility Services and Development Agreement dated March 13, 2008, made by and between the City of Conroe and David B. Hendricks and Houston Intercontinental Trade Center, L.P., which agreement was entered into on behalf of and in contemplation of its assignment to the District. As soon as practical following its organization, the District shall accept the assignment of such Agreement and agree to be bound thereby. The District may not sell or


issue bonds prior to accepting such assignment and making written acknowledgement of same of the City of Conroe.

Section 3. Upon confirmation of creation, the MUD shall notify the City of its confirmation and of any annexation or exclusion of property into or out of the MUD, and shall provide a map of the MUD to the City Secretary in Mylar, hard copy and electronic format.

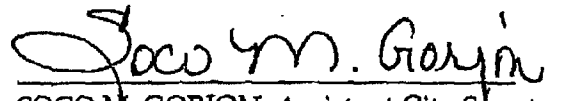
PASSED AND APPROVED this the 22 day of May, 2008.

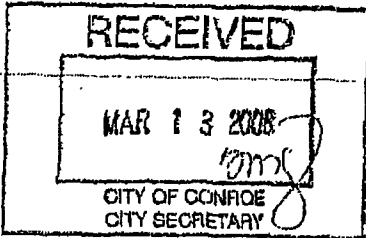

WEBB K. MELDER, MAYOR

APPROVED AS TO FORM:


MARCUS L. WINBERRY, City Attorney

ATTEST:


SOCOM M. GORJON, Assistant City Secretary



PETITION FOR CONSENT TO CREATION
OF A MUNICIPAL UTILITY DISTRICT

TO THE HONORABLE MAYOR AND
CITY COUNCIL OF THE CITY OF CONROE:

The undersigned, hereinafter called "Petitioner" (whether one or more), being the holder of title to a majority in value of the lands hereinafter described, as such values are indicated by the tax rolls of the central appraisal district of Montgomery County, Texas, acting pursuant to the provisions of Section 54.016, Texas Water Code, as amended, respectfully petitions for consent to the creation of a municipal utility district, hereinafter called the "District". In support of this petition for consent to creation of the District, Petitioner shows as follows:

I.

The name of the District will be MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 126.

II.

The area of the land to be included in the District contains 293.492 acres, more or less, and lies wholly within Montgomery County, Texas. All of said area is within the extraterritorial jurisdiction of the City of Conroe, Texas (the "City"), and is in the process of being annexed into the corporate limits of the City. None of said area is within the corporate limits or extraterritorial jurisdiction of any other city. Petitioner hereby certifies that the lienholders executing this petition below are the only holders of liens against the land to be included in the District.

III.

The land sought to be included within the area of the District is described by metes and bounds in Exhibit "A" attached hereto and incorporated herein by reference for all purposes.

IV.

The District will be created and organized under the terms and provisions of Article XVI, Section 59 of the Constitution of Texas and Chapter 49 and Chapter 54 of the Texas Water Code, as amended. The purposes of and the general nature of the work proposed to be done by the District shall be the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

(1) provide a water supply for municipal uses, domestic uses and commercial purposes;

(2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state;

(3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the District and the payment of organization expenses, operational expenses during construction and interest during construction;

(4) exercise road powers and authority ("Road Powers") pursuant to applicable law and Chapter 54 of the Texas Water Code, as amended;

(5) finance, develop and maintain recreational facilities for the people of the District if and as allowed by applicable law; and

(6) provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the District is created and permitted under state law.

V.

The area of the District is urban in nature, is within the growing environs of the City of Conroe, and is in close proximity to populous and developed sections of Montgomery County. The District's area will, within the immediate future, experience a substantial and sustained residential and commercial growth. Therefore, there is a necessity for the improvements described above for the following reasons:

(1) The District's area is not supplied with adequate water and sanitary sewer facilities and services, or with adequate drainage facilities. The health and welfare of the future inhabitants of the area and of territories adjacent thereto require the installation and acquisition of adequate water, sanitary sewer, and drainage facilities for and within the area of the District.

(2) The future inhabitants of the area and of territories adjacent thereto require recreational facilities, as same are necessary and desirable for the health and well-being of such inhabitants. The District's area does not currently include adequate recreational facilities within its boundaries.

(3) The future inhabitants of the area and of territories adjacent thereto require adequate road facilities, as same are necessary and desirable for the health and welfare of such

inhabitants, and for the orderly growth of residential and commercial development within the area and territories adjacent thereto. Road powers may be of necessity to the District and to the land within the District as such powers will allow the District to construct, acquire, improve, and provide financing for road facilities that may not otherwise be constructed in a manner that will proactively address safety, capacity, durability, economic feasibility, and regional mobility issues.

A public necessity exists for the organization of such District to promote and protect the purity and sanitary condition of the State's waters and the public health and welfare of the community, by and through the purchase, construction, extension, improvement, maintenance and operation of a water supply and sanitary sewer system, drainage facilities, recreational facilities (if allowed by applicable law) and road facilities.

VI.

The Petitioner agrees and hereby covenants that if the requested consent to the creation of the District is given, the Petitioner will adopt and abide by, and will cause the District upon its final creation to adopt and abide by, the conditions set forth in Exhibit "B", attached hereto and incorporated herein for all purposes.

VII.

It is now estimated by those filing this petition, from such information as they have at this time, that the ultimate cost of the development contemplated will be approximately \$24,375,000 for water, sewer and drainage facilities, \$1,310,000 for recreational facilities, and \$3,340,000 for road facilities.

WHEREFORE, Petitioner respectfully prays that this petition be granted in all respects and that the City of Conroe give its written consent to the creation of said District.

Dated this 13 day of MARCH, 2008.

David B. Hendricks
DAVID B. HENDRICKS

"PETITIONER"

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 13
day of MARCH 2008, by David B. Hendricks.

Linda Brewer
Notary Public in and for
the State of Texas

(NOTARY SEAL)



HOUSTON INTERCONTINENTAL TRADE
CENTER, L.P., a Texas limited
partnership

By: REVISTA, Inc., a Texas
corporation and its sole general
partner

By: Michael P. Barsi
Michael P. Barsi
President

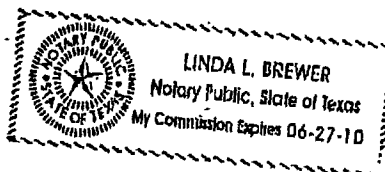
"PETITIONER"

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 13
day of MARCH 2008, by Michael P. Barsi, President of REVISTA,
Inc., a Texas corporation and the sole general partner of Houston
Intercontinental Trade Center, L.P., a Texas limited partnership,
on behalf of said entities.

Linda Brewer
Notary Public in and for
the State of Texas

(NOTARY SEAL)



The undersigned, being a lienholder on a portion of the property described in the foregoing Petition consents to the creation of MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 126 over the land which is more particularly described in said Petition, and to the filing of said Petition with the City of Conroe, Texas.

STERLING BANK, a Texas banking association

By: John N Bedford
Name: John N Bedford
Title: Vice Chairman

Attest

By: [Signature]
Name: Mark E. Stone
Title: Market CEO

"LIENHOLDER"

(SEAL)

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me on this the 13 day of MARCH, 2008, by JOHN N BEDFORD VP of Sterling Bank, a Texas banking association, on behalf of said banking association.

[Signature]
Notary Public in and for
the State of Texas



The undersigned, being a lienholder on a portion of the property described in the foregoing Petition consents to the creation of MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 126 over the land which is more particularly described in said Petition, and to the filing of said Petition with the City of Conroe, Texas.

BENCHMARK BANK, a Texas banking association

By: [Signature]
Name: David S. Crockett
Title: Vice Chairman

Attest

By: [Signature]
Name: B. G. Brewer
Title: President

"LIENHOLDER"

(SEAL)

THE STATE OF TEXAS §
 §
COUNTY OF Collin §

This instrument was acknowledged before me on this the 13th day of March, 2008, by David S. Crockett Vice Chairman of Benchmark Bank, a Texas banking association, on behalf of said banking association.

[Signature]
Notary Public in and for
the State of Texas

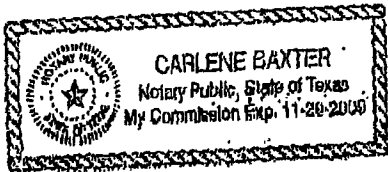


Exhibit A

METES AND BOUNDS DESCRIPTION
293.49 ACRES IN THE
JAMES EDWARDS SURVEY, ABSTRACT NO. 190 AND THE
ELIJAH COLLARD SURVEY, ABSTRACT NO. 7
MONTGOMERY COUNTY, TEXAS

A 293.49-ACRE TRACT OF LAND SITUATED IN THE JAMES EDWARDS SURVEY, ABSTRACT NO. 190, AND THE ELIJAH COLLARD SURVEY, ABSTRACT NO. 7, MONTGOMERY COUNTY, TEXAS, BEING A PORTION OF THAT CALLED 175.1768-ACRE TRACT CONVEYED TO HOUSTON INTERNATIONAL TRADE CENTER L.P. BY WARRANTY DEED RECORDED UNDER MONTGOMERY COUNTY CLERK'S FILE NO. 2007112579, ALL OF THAT CALLED 23.43-ACRE TRACT CONVEYED TO DAVID HENDRICKS BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN RECORDED UNDER MONTGOMERY COUNTY CLERK'S FILE NO. 2006101070, ALL OF THAT CALLED 37.564-ACRE TRACT CONVEYED TO DAVID HENDRICKS BY SPECIAL WARRANTY DEED WITH VENDOR'S LIEN RECORDED UNDER MONTGOMERY COUNTY CLERK'S FILE NO. 2006062871, ALL OF THAT CALLED 33.861-ACRE TRACT CONVEYED TO HOUSTON INTERCONTINENTAL TRADE CENTER, L.P. BY GENERAL WARRANTY DEED WITH VENDOR'S LIEN RECORDED UNDER MONTGOMERY COUNTY CLERK'S FILE NO. 2007009290, AND ALL OF THAT CALLED 23.419-ACRE TRACT CONVEYED TO HOUSTON INTERNATIONAL TRADE CENTER L.P. BY WARRANTY DEED WITH VENDOR'S LIEN RECORDED UNDER MONTGOMERY COUNTY CLERK'S FILE NO. 2007112578 ALL OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY, SAID 293.49-ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS WITH ALL BEARINGS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE, AS DETERMINED BY GPS MEASUREMENTS;

BEGINNING at a 5/8-inch iron rod found on the north line of Longmire Way (60-foot right-of-way) recorded under Montgomery County Clerk's File No. 9536930 of the Official Public Records of Real Property, being the southeast corner of Reserve "C" of the Replat of Longmire on Lake Conroe Sections 1 and 2, plat of which is recorded in Cabinet J, Sheets 161 thru 163 of the Montgomery County Map Records;

- (1) THENCE North 12°45'59" East, along the east line of said Replat of Longmire on Lake Conroe Sections 1 and 2, at 912.84 feet passing the northeast corner of said Replat of Longmire on Lake Conroe Sections 1 and 2 and the southeast corner of Longmire on Lake Conroe Section 3, plat of which is recorded in Cabinet I, Sheets 59 thru 65 of the Montgomery County Map Records, and continuing in all 1255.98 feet to a 5/8-inch iron rod found for the northeast corner of said Longmire on Lake Conroe Section 3;
- (2) THENCE North 77°12'16" West, 1616.63 feet, along the north line of said Longmire on Lake Conroe Section 3, to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" set for an interior corner of said Longmire on Lake Conroe Section 3;
- (3) THENCE North 11°56'28" East, 565.74 feet, along an interior line of said Longmire on Lake Conroe Section 3, to a 5/8-inch iron rod found for the northeast corner of Reserve "D" of said Longmire on Lake Conroe Section 3, being on the 201-foot contour line;

THENCE along the 201-foot contour line, the following fifty (50) courses and distances:

- (4) South 87°23'59" East, 33.75 feet to a point;
- (5) North 60°22'00" East, 14.06 feet to a point;
- (6) South 88°53'51" East, 14.40 feet to a point;
- (7) South 44°41'08" East, 14.73 feet to a point;
- (8) South 25°42'16" East, 23.63 feet to a point;
- (9) South 21°31'26" East, 48.80 feet to a point;
- (10) South 24°18'55" East, 36.65 feet to a point;

- (11) South 23°02'23" East, 43.48 feet to a point;
- (12) South 32°41'37" East, 41.56 feet to a point;
- (13) South 39°04'34" East, 23.02 feet to a point;
- (14) South 43°05'41" East, 23.55 feet to a point;
- (15) South 89°57'44" East, 22.50 feet to a point;
- (16) North 62°41'04" East, 21.03 feet to a point;
- (17) North 32°09'28" East, 44.39 feet to a point;
- (18) North 10°10'15" West, 36.41 feet to a point;
- (19) North 09°26'25" West, 45.54 feet to a point;
- (20) North 15°23'27" East, 43.59 feet to a point;
- (21) North 11°14'01" East, 48.40 feet to a point;
- (22) North 13°00'46" East, 21.26 feet to a point;
- (23) North 10°49'35" East, 30.79 feet to a point;
- (24) North 32°19'05" East, 12.24 feet to a point;
- (25) North 58°33'18" East, 11.79 feet to a point;
- (26) South 80°41'18" East, 26.94 feet to a point;
- (27) South 63°13'35" East, 31.75 feet to a point;
- (28) South 56°59'25" East, 57.54 feet to a point;
- (29) South 59°37'32" East, 54.26 feet to a point;
- (30) South 59°24'03" East, 33.57 feet to a point;
- (31) South 57°44'53" East, 37.89 feet to a point;
- (32) South 58°14'18" East, 35.57 feet to a point;
- (33) South 59°55'00" East, 46.09 feet to a point;
- (34) South 50°39'40" East, 31.93 feet to a point;
- (35) South 81°19'12" East, 21.86 feet to a point;
- (36) North 34°51'06" East, 20.55 feet to a point;
- (37) North 15°39'43" East, 23.19 feet to a point;
- (38) North 27°35'55" West, 25.09 feet to a point;
- (39) North 45°59'51" West, 31.29 feet to a point;
- (40) North 38°24'53" West, 41.42 feet to a point;
- (41) North 48°11'04" West, 42.03 feet to a point;
- (42) North 52°44'02" West, 37.78 feet to a point;

- (43) North 47°31'18" West, 35.54 feet to a point;
 - (44) North 51°00'12" West, 68.46 feet to a point;
 - (45) North 54°27'30" West, 53.57 feet to a point;
 - (46) North 50°14'59" West, 43.08 feet to a point;
 - (47) North 50°50'55" West, 63.18 feet to a point;
 - (48) North 45°44'33" West, 53.82 feet to a point;
 - (49) North 17°44'30" West, 55.91 feet to a point;
 - (50) North 04°00'03" West, 43.57 feet to a point;
 - (51) North 16°15'40" West, 51.84 feet to a point;
 - (52) North 15°27'23" West, 69.20 feet to a point;
 - (53) North 09°53'22" East, 38.80 feet to a point on the south line of Pebble Glen on the Lake, plat of which is recorded in Cabinet N, Sheets 125 thru 128;
 - (54) THENCE South 81°28'22" East, at 10.00 feet passing a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" set for reference, and continuing in all 849.61 feet to a 5/8-inch iron rod found for the southeast corner of said Pebble Glen on the Lake;
 - (55) THENCE North 11°49'44" East, along the east line of said Pebble Glen on the Lake, at 1001.57 feet passing a 5/8-inch iron rod found for the northeast corner of said Pebble Glen on the Lake, and continuing in all 1012.69 feet to a point on the 201-foot contour line;
- THENCE along the 201-foot contour line, the following twenty-one (21) courses and distances:
- (56) South 87°34'31" East, 44.31 feet to a point;
 - (57) North 85°18'39" East, 103.76 feet to a point;
 - (58) South 87°41'11" East, 41.82 feet to a point;
 - (59) South 89°57'21" East, 52.34 feet to a point;
 - (60) South 83°58'25" East, 51.16 feet to a point;
 - (61) South 87°20'06" East, 50.00 feet to a point;
 - (62) North 85°40'28" East, 43.06 feet to a point;
 - (63) North 89°02'07" East, 48.48 feet to a point;
 - (64) South 89°59'11" East, 15.57 feet to a point;
 - (65) North 67°32'38" East, 22.66 feet to a point;
 - (66) North 02°29'35" East, 28.08 feet to a point;
 - (67) North 00°13'32" East, 29.04 feet to a point;
 - (68) North 67°39'40" West, 30.47 feet to a point;
 - (69) North 74°43'23" West, 56.56 feet to a point;
 - (70) North 75°25'23" West, 45.28 feet to a point;
 - (71) South 86°37'31" West, 74.43 feet to a point;

- (72) North 69°28'00" West, 40.10 feet to a point;
- (73) North 84°38'33" West, 45.92 feet to a point;
- (74) North 86°09'04" West, 59.74 feet to a point;
- (75) North 79°31'57" West, 49.92 feet to a point;
- (76) South 68°16'23" West, 53.48 feet to a point on the east line of Calfee Road (60-foot right-of-way) recorded in Volume 632, Page 291 and Volume 640, Page 139, both of the Montgomery County Deed Records;
- (77) THENCE North 11°11'22" East, 229.43 feet along the east line of said Calfee Road to a 1/2-inch iron rod found, being the southwest corner of the aforementioned 23.419-acre tract;
- THENCE in a northerly direction along the common line of said Calfee Road and said 23.419-acre tract, the following three (3) courses and distances:
- (78) North 21°10'57" East, 89.92 feet to a PK Nail found;
- (79) North 51°27'01" East, 105.82 feet to a 5/8-inch iron rod found;
- (80) North 12°47'09" East, 328.16 feet to a point on the southwest corner of League Line Road (60-foot-right-of-way) recorded in Volume 825, Page 102 and Volume 1049, Page 571, both of the Montgomery County Deed Records from which a 1/2-inch iron rod with cap stamped "Jeff Moon RPLS 4539" found for the most westerly northwest corner of said 23.939-acre tract recorded under Montgomery County Clerk's File No. 2005084850 of the Official Public Records of Real Property bears North 12°47'09" East, 133.02 feet;
- (81) THENCE South 76°39'07" East, at 98.85 feet passing a PK Nail found for the corner of said 23.939-acre tract, and continuing in all 1082.79 feet, along the south line of said League Line Road same as said 23.419-acre tract, to a 5/8-inch iron rod found;
- (82) THENCE South 77°19'32" East, 980.27 feet, continuing along the north line of said 23.419-acre tract same as south line of League Line Road, to a 5/8-inch iron rod found, being the northeast corner of said 23.419-acre tract and on the west line of the remainder of a called 90.033-acre tract (Tract 3) recorded under Montgomery County Clerk's File No. 9509572 of the Official Public Records of Real Property;
- (83) THENCE South 12°09'43" West, along the common line of said remainder tract and said 23.419-acre tract, at 484.50 feet passing a 5/8-inch iron rod found, and continuing in all 485.18 feet to a 5/8-inch iron rod with cap stamped "E.H.R.&A. 713-784-4500" set on the south line of said remainder tract, also being on the north line of a called 121.838-acre tract recorded in Volume 458, Page 131 of the Montgomery County Deed Records and the north line of aforementioned 23.43-acre tract;
- (84) THENCE South 77°02'20" East, 2149.46 feet along the common line of said remainder tract, said 121.838-acre tract and said 23.43-acre tract, to an iron strap found on the east line of Longmire Road, being the northeast corner of said 121.838-acre tract and said 23.43-acre tract and the northwest corner of a called 99.75-acre tract recorded under Montgomery County Clerk's File No. 9891554 of the Official Public Records of Real Property;
- (85) THENCE South 12°12'48" West, along the common line of said 121.838-acre tract, said 23.43-acre tract, said Longmire Road, and Longmire Way, said 99.75-acre tract, aforementioned 33.861-acre tract, and aforementioned 37.564-acre tract, at 428.83 feet passing a 1/2-inch iron rod found for the common east corner said 23.43-acre tract, and said 33.861-acre tract, at 1074.23 feet passing a 1/2-inch iron rod found for the common east corner of said 33.861-acre tract and said 37.564-acre tract, and continuing in all 1791.25 feet to a PK Nail found for the southeast corner of said 37.564-acre tract and the northeast corner of a called 26.5516-acre tract recorded under Montgomery County Clerk's File No. 2004020900 of the Official Public Records of Real Property;

- (86) THENCE North $77^{\circ}53'49''$ West, 2280.36 feet, along the common line of said 37.564-acre tract and said 26.5516-acre tract, to a 1/2-inch iron rod found for the common west corner of said 37.564-acre tract and said 26.5516-acre tract, being on the east line of aforementioned 321.470-acre tract;
- (87) THENCE South $11^{\circ}58'58''$ West, 507.48 feet along the common line of said 26.5516-acre tract and said 321.470-acre tract, to a 3/4-inch iron pipe found for the southwest corner of said 26.5516-acre tract and the northwest corner of The Estates of Longmire on Lake Conroe, plat of which is recorded in Cabinet H, Sheets 92B, 93A, 93B, and 94A of the Montgomery County Map Records;
- (88) THENCE South $11^{\circ}12'47''$ West, 1416.70 feet, along the common line of said 321.470-acre tract and said The Estates of Longmire on Lake Conroe, to a fence corner on the north line of the aforementioned Longmire Way, being on the arc of a non-tangent curve to the right;
- THENCE in a westerly direction, along the north line of said Longmire Way, the following six (6) courses and distances:
- (89) Along the arc of said curve to the right having a radius of 1990.56 feet, a central angle of $05^{\circ}37'51''$, an arc length of 195.63 feet, and a chord bearing North $74^{\circ}33'58''$ West, 195.55 feet to a 5/8-inch iron rod found at a point of reverse curvature;
- (90) Along the arc of said curve to the left having a radius of 824.29 feet, a central angle of $14^{\circ}21'06''$, an arc length of 206.47 feet, and a chord bearing North $78^{\circ}55'35''$ West, 205.93 feet to a 5/8-inch iron rod found at a point of reverse curvature;
- (91) Along the arc of said curve to the right having a radius of 1499.91 feet, a central angle of $07^{\circ}28'46''$, an arc length of 195.80 feet, and a chord bearing North $82^{\circ}21'44''$ West, 195.66 feet to a 5/8-inch iron rod found;
- (92) North $78^{\circ}37'21''$ West, 386.86 feet to a 1/2-inch iron rod found at the beginning of a curve to the left;
- (93) Along the arc of said curve to the left having a radius of 2711.89 feet, a central angle of $04^{\circ}16'15''$, an arc length of 202.14 feet, and a chord bearing North $80^{\circ}45'28''$ West, 202.09 feet to a 1/2-inch iron rod found at a point of reverse curvature;
- (94) Along the arc of said curve to the right having a radius of 1997.82 feet, a central angle of $05^{\circ}38'44''$, an arc length of 196.85 feet, and a chord bearing North $80^{\circ}04'13''$ West, 196.77 feet to the POINT OF BEGINNING, containing a gross acreage of 293.49 acres of land.

EDMINSTER, HINSHAW, TRUSS AND ASSOCIATES, INC.

Piotr A. Debski, R.P.L.S.
 Texas Registration No. 5902
 10555 Westoffice Drive
 Houston, Texas 77042
 713-784-4500



Date: Jan 27, 2008
 Job No: 071-018-00
 File No: R:\2007\071-018-00\docs\technical\descr\293.49ac.doc

293.49 Acres
 James Edwards Survey, A-190
 Elijah Colford Survey, A-7
 Page 5 of 5

EXHIBIT B

CONSENT CONDITIONS

(a) The purposes for which the district may issue bonds are limited to the purposes of the purchase, construction, acquisition, repair, extension and improvement of land, easements, works, improvements, facilities, plants, equipment and appliances necessary to:

- (1) provide a water supply for municipal uses, domestic uses and commercial purposes;
- (2) collect, transport, process, dispose of and control all domestic, industrial or communal wastes whether in fluid, solid or composite state;
- (3) gather, conduct, divert and control local storm water or other local harmful excesses of water in the district;
- (4) exercise road powers and authority pursuant to applicable law and Chapter 54 of the Texas Water Code, as amended;
- (5) finance, develop and maintain recreational facilities for the people of the district if and as allowed by applicable law;
- (6) provide such other facilities, systems, plants and enterprises as shall be consonant with the purposes for which the district is created and permitted under state law; and
- (7) the payment of organization expenses, operation expenses during construction and interest during construction.

(b) The district may, in addition, issue refunding bonds subject to the provisions of City of Conroe Ordinance No. 1381-97 dated March 3, 1997.

(c) All bonds of the district shall be subject to the following requirements:

- (1) the terms of the bonds must expressly provide that the district reserves the right to redeem the bonds without premium on any interest payment date subsequent to the fifteenth (15th) anniversary of the date of issuance;
- (2) public bids shall be taken on the sale of all bonds;
- (3) no bonds, other than refunding bonds, may be sold for less than 95% of par;
- (4) the net effective interest rate on bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, may